



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

MARCH 9, 2000

FEDERAL REGISTER NOTICE ANNOUNCING NEW NATIONWIDE PERMITS

On March 9, 2000, the Corps published a notice in Part III of the Federal Register (65 FR 12818 – 12899) announcing the issuance of five new Nationwide Permits (NWP), the modification of six existing NWPs, the modification of nine NWP general conditions, and the adoption of two new NWP general conditions. These NWPs are activity-specific and authorize certain activities in non-tidal waters of the United States that have minimal adverse effects on the aquatic environment. The new NWP general conditions limit the use of certain NWPs in designated critical resource waters and waters of the United States within 100-year floodplains.

After the publication of this Federal Register notice, Portland District will finalize the regional conditions, announced in our July 23, 1999 public notice for the new and modified NWPs. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District.

The publication of this Federal Register notice also begins a 90 day process for States and Tribes to make their Section 401 Water Quality Certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of publication of the March 9, 2000 Federal Register. At the end of this 90 day period, the new and modified NWPs and Corps regional conditions will become effective on June 7, 2000.

The March 9, 2000 Federal Register notice is available for viewing at the Portland District Office Robert Duncan Plaza (8th Floor) 333 SW 1st Avenue, Portland Oregon, or on the Internet at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>. As an alternate, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at http://www.access.gpo.gov/su_docs/aces/aces140.html. A copy of the Federal Register can also be obtained by calling the office at (503) 808-4386.

The Corps has also issued final decision documents for the new and modified NWPs. These documents are also available on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> and Corps District Offices. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address decisions concerning regional conditioning of the NWPs.

Enclosed is the index of the final new and modified NWP's and conditions. Anyone may obtain a full text copy of the NWP's through the Corps Home Page or the Federal Register. New NWP information can also be accessed on the Portland District Home Page:
<http://www.nwp.usace.army.mil/op/g/regulatory.htm>

Index of Nationwide Permits, Conditions, Further Information, and Definitions

Nationwide Permits

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Nationwide Permit General Conditions

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2. Proper Maintenance
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4. Aquatic Life Movements
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Definitions

Best Management Practices
Compensatory mitigation
Creation
Enhancement
Ephemeral stream
Farm tract
Flood fringe
Floodway
Independent utility
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Perennial stream
Permanent above-grade fill
Preservation
Restoration
Riffle and pool complex
Single and complete project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Tidal wetland
Vegetated buffer
Vegetated shallows
Waterbody

Summary of New and Modified Nationwide Permits

| NWP | Title/Description | Applicable Waters | Acreage and Linear Limits | PCN Threshold |
|-----|--|---|--|---|
| 3 | Maintenance <ul style="list-style-type: none"> added removal of accumulated sediments from vicinity of existing structures added activities in waters of U.S. associated with replacing uplands damaged by storms | all waters | 200 linear feet from structure; 50 cubic yards | all except repair, replacement, or rehabilitation of structures or fills |
| 7 | Outfall Structures and Maintenance <ul style="list-style-type: none"> added removal of accumulated sediments from intakes, outfalls, and canals | all waters | limited to original configuration | all activities |
| 12 | Utility Activities <ul style="list-style-type: none"> added substations added foundations for overhead utility line towers, poles, and anchors added permanent access roads for utility line maintenance | non-tidal waters, excluding adjacent to tidal waters (substations, access roads); all waters (other activities) | 1/2 acre (substations); minimum necessary for foundations; 1/2 acre (access roads) | 1/10 acre (substations); 500 linear feet of above-grade access road; impervious roads |
| 14 | Linear Transportation Crossings <ul style="list-style-type: none"> added larger crossings for public projects only no change for private roads and public crossings in tidal waters and non-tidal wetlands adjacent to tidal waters | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | 1/2 acre (public) | 1/10 acre; discharges into special aquatic sites |
| | | all waters | 1/3 acre (public and private) | |
| 27 | Stream and Wetland Restoration Activities <ul style="list-style-type: none"> added restoration of non-tidal streams and open waters added restoration of tidal waters | all waters | no limit | non-Federal public or private land (no agreement) |
| 39 | Residential, Commercial, and Institutional Developments <ul style="list-style-type: none"> building pads, building foundations, and attendant features | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | 1/2 acre; 300 linear feet of stream bed | 1/10 acre; all below OHWM |
| 40 | Agricultural Activities <ul style="list-style-type: none"> discharges into non-tidal wetlands to increase agricultural production relocation of existing drainage ditches constructed in non-tidal streams construction of building pads for farm buildings | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | 1/2 acre; 300 linear feet of stream bed | 1/10 acre (activities not reviewed by NRCS); all farm buildings |
| 41 | Reshaping Existing Drainage Ditches <ul style="list-style-type: none"> modify cross-section of currently serviceable drainage ditches cannot increase drainage or flows or relocate ditch | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | limited to minimum necessary | sidecast into waters of US; reshape greater than 500 linear feet |
| 42 | Recreational Facilities <ul style="list-style-type: none"> facilities integrated into natural landscape without substantial grading or filling examples: trails, campgrounds, environmentally designed golf courses | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | 1/2 acre; 300 linear feet of stream bed | 1/10 acre |
| 43 | Stormwater Management Facilities <ul style="list-style-type: none"> construction or maintenance no new construction in perennial streams | non-tidal waters, excluding non-tidal wetlands adjacent to tidal waters | 1/2 acre; 300 linear feet of stream bed | 1/10 acre |
| 44 | Mining Activities <ul style="list-style-type: none"> aggregate (sand and gravel and stone) mining hard rock/mineral mining | isolated waters; non-tidal wetlands; lower perennial streams | 1/2 acre | all activities |